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103D CONGRESS
2D SESSION

H. R. 4618

To authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services to develop a synthetic BGH residue test, and for other purposes

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IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 1994

Mr. SANDERS (for himself, Mr. ANDREWS of Maine, Miss COLLINS of Michigan, Mr. DEFAZIO, Mr. DELLUMS, Mr. ENGEL, Mr. FOGLIETTA, Mr. GONZALEZ, Mr. GUTIERREZ, Mr. HINCHEY, Mr. JOHNSTON of Florida, Mrs. KENNELLY, Mrs. MINK, Mr. MORAN, Mr. NADLER, Mr. OBERSTAR, Mr. OBEY, Mr. OWENS, Mrs. UNSOELD, Mrs. SCHROEDER, Mr. SHAYS, Ms. VELÁZQUEZ, Mr. VENTO, Mr. WASHINGTON, and Mr. YATES) introduced the following bill; which was referred to the Committee on Agriculture

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A BILL

To authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agricultural Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services

to develop a synthetic BGH residue test, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Bovine Growth Hormone Milk Act''.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Synthetic recombinant bovine growth hormone (in this section referred to as ''synthetic BGH'') is a product of genetic engineering and is the first food product of genetic engineering to be in direct widespread use in the consumer marketplace and to be ingested in significant amounts by infants and children.

(2) Synthetic BGH injections in dairy cows result in a residue of synthetic BGH in the milk produced by injected cows.

(3) Synthetic BGH injections of dairy cows result in increased levels of bovine insulin-like growth factor in the milk produced by injected cows. According to the American Medical Association and others, further studies are required to determine whether human ingestion of higher than normal levels of bovine insulin-like growth factor is safe.

(4) Synthetic BGH injections result in a variety of health problems in injected cows, including significant increases in mastitis (an infection of the cow's udder that results in visibly abnormal milk).

(5) The cow health problems resulting from synthetic BGH injections will result in a significant increased use of antibiotics in injected cows. Many of the antibiotics used to treat mastitis in dairy cows are not detected in the usual milk monitoring process. The Food and Drug Administration determined that synthetic BGH poses a ''manageable risk'' to consumers because of the increased risk of antibiotics entering the consumer milk supply.

(6) Consumers are concerned about hormones and antibiotics in their food and humane treatment of animals and have shown overwhelming support for labeling of milk and milk products produced with synthetic BGH.

(7) According to the Office of Management and Budget, synthetic BGH use will result in an increase in Federal budget costs of over $500,000,000 in the next 5 years and a decrease in overall dairy farm income of $1.3 billion dollars in that same period.

(8) As of June 1994, the European Community had a moratorium on the commercial use of syn-

thetic BGH and the Canadian Parliament had recommended a similar moratorium. Australia and New Zealand, where one quarter of the world's milk is produced, refused to approve synthetic BGH.

(9) Consumers have a right to know if the milk they consume has been produced with synthetic BGH.

(10) Both States and individual companies have begun to take actions to label products produced with synthetic BGH.

(11) Confusion surrounding label claims and regulations have resulted in lawsuits against States and companies who have implemented label programs.

(12) There is a need for a common label to provide consumers across the country with a simple and accessible means of identifying milk produced with synthetic BGH.

(13) A synthetic BGH residue test is needed to validate label claims in order to ensure consumers that the labels are truthful and not misleading.

(14) A residue test is generally required when a drug is found to leave a residue in a human food product.

(15) Scientific organizations, including the American Medical Association and the Consumers Union, have stated that a synthetic BGH residue test can be devised. Much of the preliminary research for a test has already been completed. Claims have been made that a test already has been successfully developed in a lab.

TITLE I—LABELING

SEC. 101. LABELING.

(a) IN GENERAL.—The Secretary of Agriculture shall require the following labeling of milk and milk products:

(1) If it is milk that—

(A) is intended for human consumption; and

(B)(i) is produced by cows that have been injected with synthetic BGH; or

(ii) has been commingled with milk produced by such cows,

the labeling of the milk shall bear the following statement: ''This milk was produced by cows injected with synthetic BGH.''.

(2) If it is a milk product that is intended for human consumption and is derived from milk described in paragraph (1), the labeling of the milk product shall bear the following statement: ''This

milk product was derived from milk produced by cows injected with synthetic BGH.''.

SEC. 102. RECORDS.

(a) RECORDS.—A person who sells synthetic BGH, purchases the hormone, distributes the hormone, or injects the hormone into a cow shall prepare and maintain records that comply with the regulations issued by the Secretary of Agriculture under subsection (b).

(b) REGULATIONS REGARDING RECORDS.—

(1) PERSONS COVERED.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations that require—

(A) persons who sell synthetic BGH;

(B) persons who purchase synthetic BGH;

(C) persons who distribute synthetic BGH; and

(D) persons who inject synthetic BGH into cows,

to create and maintain records that contain the applicable information specified in paragraph (2).

(2) INFORMATION.—Regulations issued under paragraph (1) shall require records to contain a description of—

(A) the quantity and source of the synthetic BGH obtained (by manufacture, purchase, or any other means);

(B) the date on which the hormone was obtained; and

(C) the identity of each person to whom the hormone was sold or otherwise distributed, the cows into which any portion of the hormone was injected, and each person who has an operator or ownership interest in the cows.

(c) OTHER REGULATIONS.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations that establish—

(1) requirements with respect to the sale, distribution, and administration of synthetic BGH; and

(2) such other requirements with respect to the use of synthetic BGH as the Secretary may determine to be necessary to carry out the objectives of this Act.

SEC. 103. DEFINITIONS.

As used in this section—

(1) The term ''synthetic BGH'' means—

(A) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

(B) a growth hormone, intended for use in bovine animals, that has been produced through recombinant DNA techniques.

(2) The term ''cow'' means a bovine animal.

SEC. 104. ENFORCEMENT.

(a) IN GENERAL.—If any person fails to label milk or a milk product in accordance with section 101, fails to comply with the recordkeeping requirements of section 102, or otherwise fails to comply with the requirements of this title (or any regulation prescribed under this title), the person shall be liable to the Secretary of Agriculture for a civil penalty in an amount not to exceed $10,000 per violation.

(b) JUDICIAL ENFORCEMENT.—The Secretary may enforce subsection (a) in the courts of the United States.

TITLE II—REDUCTION IN PRICE

SEC. 201. REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH SYNTHETIC BOVINE GROWTH HORMONE.

(a) REDUCTION IN PRICE.—Section 204 of the Agricultural Act of 1949 (7 U.S.C. 1446e) is amended—

(1) by redesignating subsections (i) through (k) as subsections (j) through (l), respectively;

(2) by inserting after subsection (h) the following new subsection:

''(i) REDUCTION IN PRICE RECEIVED FOR MILK PRODUCED BY COWS INJECTED WITH SYNTHETIC BOVINE GROWTH HORMONE.—

''(1) IN GENERAL.—Beginning January 1, 1995, in addition to any reduction in price required under subsections (g) and (h), the Secretary shall provide for a reduction in the price received by producers who inject cows with synthetic BGH for milk—

''(A) produced in the 48 contiguous States;

''(B) marketed by producers for commercial use; and

''(C) produced by cows that are injected with synthetic BGH.

''(2) AMOUNT.—The amount of the reduction under paragraph (1) in the price received by producers shall be the amount, determined by the Secretary, that is equal to the increased cost of purchasing milk and the products of milk under this section as the result of the injection of cows with synthetic BGH. The increased milk supplies shall be determined as the amount of milk in excess of the amount of milk purchases projected in baseline for Federal purchases without the introduction of synthetic BGH.

''(3) DEFINITIONS.—As used in this subsection:

''(A) SYNTHETIC BGH.—The term ''synthetic BGH'' means—

''(i) a substance described as bovine somatotropin, bST, BST, bGH, or BGH; and

''(ii) a growth hormone, intended for use in bovine, that has been produced through recombinant DNA techniques.

''(B) MILK.—The term 'milk' includes—

''(i) milk produced by cows that have been injected with synthetic BGH; and

''(ii) milk that has been commingled with milk produced by cows that have been injected with synthetic BGH.''; and

(3) in subsection (j) (as redesignated by paragraph (1)), by striking ''subsection (g) or (h)'' both places it appears and inserting ''subsection (g), (h), or (i)''.

(b) CONFORMING AMENDMENT REGARDING EXCESS PURCHASES.—Subsection (g) of such section is amended—

(1) in paragraph (2)(A), by inserting after ''unrestricted use'' the following: ''and purchases whose

costs are covered by the reduction in price required by subsection (i)''; and

(2) by adding at the end the following new paragraph:

''(4) CONDITION ON ESTIMATION OF PURCHASES.—In estimating the level of Commodity Credit Corporation purchases of milk and the products of milk for purposes of this subsection, the Secretary shall exclude those Commodity Credit Corporation purchases whose costs are covered under subsection (i) by the reduction in price received by producers who inject cows with synthetic BGH.''.

TITLE III—RESIDUE TEST

SEC. 301. RESIDUE TEST.

At the earliest possible date, the Secretary of Health and Human Services shall develop a scientifically valid synthetic BGH residue test to—

(1) detect the presence of the residue of synthetic BGH in milk produced from cows injected with such hormone, and

(2) assure compliance with labeling laws.

After the test is developed the Secretary shall make the test available to public health and agricultural agencies of the States and commercially available at the lowest possible cost to dairy producers and processors.

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